

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
C5 Communications, LLC)	File No. EB-06-IH-2019
)	NAL Account No. 200732080001
Applicant for Special Temporary Authority to)	FRN No. 0014170831
Operate a 1.0 meter Ku-Band Earth Station)	

FORFEITURE ORDER

Adopted: November 19, 2007

Released: November 20, 2007

By the Chief, Investigations and Hearings Division, Enforcement Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order*, we find that C5 Communications, LLC (“C5 Communications” or the “Company”), Applicant for Special Temporary Authority (“STA”) to Operate a 1.0 meter Ku-Band Earth Station, violated Section 1.17 of the Federal Communications Commission’s (the “Commission” or “FCC”) rules¹ by twice using a false name to certify the accuracy of certain matters to the Commission in the STA applications it filed with the Commission.² For the reasons explained below, we conclude that C5 Communications is liable for a forfeiture in the amount of seventeen thousand five hundred dollars (\$17,500).

II. BACKGROUND

2. On October 25, 2005, and November 4, 2005, C5 Communications electronically filed two STA applications to operate a 1.0 meter Ku-Band earth station (the “Applications”).³ Each Application was signed with an electronic signature, purportedly by an individual named “Noel Imitz.”⁴ The Applications were denied by letters from the Commission, dated November 2, 2005, and January 23, 2006.⁵

3. On April 18, 2006, C5 Communications voluntarily reported to the Commission via electronic mail that the name “Noel Imitz” was a pseudonym, and not the name of any actual person employed by the Company and/or authorized to sign on behalf of the Company.⁶ In the e-mail, C5

¹ See 47 C.F.R. § 1.17.

² See FCC application file numbers SES-STA-20051025 and SES-STA-20051107-01528.

³ See *id.*

⁴ See FCC application file numbers SES-STA-20051025 at 3 and SES-STA-20051107-01528 at 3.

⁵ See Letter from Scott A. Kotler, Chief, Systems Branch, Satellite Division, International Bureau, Federal Communications Commission, to Noel Imitz, C5 Communications, LLC, dated November 2, 2005. See also Letter from Scott A. Kotler, Chief, Systems Branch, Satellite Division, International Bureau, Federal Communications Commission, to Noel Imitz, C5 Communications, LLC, dated January 23, 2006.

⁶ See Email from Eric Smith, Chief Operating Officer, C5 Communications, to Scott Kotler, Chief, Systems Analysis (continued....)

Communications explained that, prior to the Applications, the Company created the “personae” to respond to public inquires regarding engineering and support issues.⁷ According to Eric Smith, Chief Operating Officer of C5 Communications, use of the pseudonym on the Applications was not intended to deceive the Commission.⁸

4. On October 20, 2006, the Chief, Investigations and Hearings Division, Enforcement Bureau, issued a Notice of Apparent Liability for Forfeiture (“NAL”) to C5 Communications. C5 Communications has not responded to the NAL.

III. DISCUSSION

5. As discussed in detail in the NAL, we find, based on our review of the record, that C5 Communications violated Section 1.17 of the Commission’s rules by using a false name and, thereby, made erroneous certifications to the Commission.⁹ By failing to respond to the NAL, C5 Communications has declined to identify any facts or circumstances to persuade us that there is a basis for reducing or cancelling the proposed forfeiture. We are not aware of any further mitigating circumstances sufficient to warrant a reduction of the forfeiture penalty proposed in the NAL. For these reasons, we hereby impose a forfeiture of \$17,500 for C5 Communication’s violations of Section 1.17 of the Commission’s rules, as set forth in the NAL.

IV. ORDERING CLAUSES

6. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.311, and 1.80 of the Commission's Rules, C5 Communications, LLC **SHALL FORFEIT** to the United States government the sum of \$17,500 for willfully violating Section 1.17 of the Commission’s rules.

7. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission’s Rules¹⁰ within 30 days of the release of this *Forfeiture Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹¹ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL Acct. No. and FRN No. referenced in the caption. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number FCC/ACV9116229.

8. Requests for payment of the full amount of this forfeiture under an installment plan should be sent to: Associate Managing Director, Financial Operations, Federal Communications Commission, 445

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Branch, Satellite Division, International Bureau, FCC, dated April 18, 2006 (on file with Satellite Division).

⁷ See *id.* C5 Communications explained that the name “Noel Imitz” was a derivative of the term “no limits.” C5 Communications also created a website with a similar moniker (www.noelimitz.com) to be used in responding to engineering and support questions on behalf of the Company.

⁸ See *id.*

⁹ See 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 0.314, 1.80, 1.17.

¹⁰ See 47 C.F.R. § 1.80.

¹¹ 47 U.S.C. § 504(a).

12th Street, S.W., Room 1-A625, Washington, DC 20554.¹²

9. **IT IS FURTHER ORDERED** that a copy of this *Forfeiture Order* shall be sent by Certified Mail - Return Receipt Requested, and regular mail, to C5 Communications.

FEDERAL COMMUNICATIONS COMMISSION

Hillary S. DeNigro
Chief, Investigations and Hearings Division
Enforcement Bureau

¹² See 47 C.F.R. § 1.1914.